

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 1 to 39 were previously pending and have been canceled without prejudice. Claims 40 to 53 are newly presented for examination. After entry of these amendments, claims 40 to 53 will be pending.

Claims 1 to 39 stood rejected as allegedly representing double patenting of the "same invention" type over U.S. Patent No. 6,008,378.

Claims 1 to 12, 32, 33, and 37 to 39 stood rejected under the judicially created doctrine of double patenting of the obviousness-type over U.S. Patent No. 6,451,569.

Claims 1 to 5 and 7 to 12 stood rejected under the judicially created doctrine of double patenting of the obviousness-type over U.S. Patent No. 6,686,458.

Claims 1 to 39 stood rejected as allegedly anticipated by U.S. Patent No. 6,008,378.

Applicants respectfully comment on the above rejections below.

### **Status of the Specification**

The specification has been amended to reflect the priority claim. The priority claim to be now recited in the first paragraph of the specification was set forth in the letter transmitting the patent application (see page 3 of the transmittal letter) and the Filing Receipt. Pursuant to MPEP §201.11 (*see*, MPEP May 2, 2004 revision at p. 200-64, right column, main paragraph), the petition and fees to correct the priority claim under 37 CFR 1.17(t) are not required in the circumstance, as here, where the official filing and the transmittal letter each set forth the intended priority claim.

The amendments to the specification also add no new matter. The incorporation by reference recital is also found in the application transmittal letter. Accordingly, the incorporation by reference recitals comply with the requirements set forth in MPEP §201.11 Section III (*see*, MPEP May 2, 2004 revision at p. 200-57, left column, first full paragraph).

Accordingly, the Applicants submit that the Amendments to the specification add no new matter and comport with the requirements of 37 CFR §1.78 and respectfully request they be entered.

### **Support for the Amendments to the Claims**

New claims 40 to 53 are directed to polypeptides according to the invention.

Support for the carrier polypeptide subject matter of claim 40 can be found in the specification at p. 18, first full paragraph. Support for the biarsenical molecule of claim 40 can be found in the specification at p. 4, bottom figure. Support for the target sequence subject matter of claim 40 can be found in the specification in the paragraph bridging pages 15 and 16.

Support for the recitals of the dependent claims is set forth in the following table:

<b>Claim</b>	<b>Subject Matter</b>	<b>Support</b>
41	a polypeptide domain comprising the target amino acid sequence is covalently attached to the N-terminus of the carrier polypeptide.	see page 18, last full paragraph
42	a polypeptide domain comprising the target amino acid sequence is covalently attached to the C-terminus of the carrier polypeptide.	see page 18, last full paragraph
43	the carrier polypeptide is divided into a first portion and a second portion with the target amino acid sequence there between.	see page 18, lines 28 and 29
44	said target amino acid sequence comprises four cysteines in a $\alpha$ -helical domain.	see paragraph bridging pages 15 and 16
45	said polypeptide domain comprising the target amino acid sequence comprises an $\alpha$ -helical domain having a cys-cys-X-Y-cys-cys sequence, wherein X and Y are amino acids	see p. 16, second full paragraph
46	the carrier polypeptide is a receptor, hormone, enzyme, binding protein, or fragment thereof.	p. 18, lines 16 and 17
47	the carrier polypeptide is an antibody.	p. 18, line 16

48	target sequence is at least 6 amino acids in length.	p. 15, line 28
49	a target sequence at least 10 amino acids in length	p. 15, line 29
50	wherein further the N-terminal amino acid is acetylated.	p. 17, lines 5 to 7
51	wherein the C-terminal amino acid is amidated.	p. 17, lines 5 to 7
52	wherein further the N-terminal amino acid is acetylated and the C-terminal amino acid is amidated.	p. 17, lines 16 to 17
53	wherein the target sequence comprises the sequence of SEQ ID NO:1.	page 17, line 14

In view of the above, the Applicants believe the amendments to the claims add no new matter, and respectfully request their entry.

**Response to the Rejection of Claims 1 to 39 as allegedly representing double patenting of the "same invention" type over U.S. Patent No. 6,008,378.**

Applicants have canceled claims 1 to 39 and respectfully request withdrawal of the above rejection.

**Response to the Rejection of claims 1 to 12, 32, 33, and 37 to 39 under the judicially created doctrine of double patenting of the obviousness-type over U.S. Patent No. 6,451,569.**

Applicants have canceled claims 1 to 39 and respectfully request withdrawal of the above rejection.

**Response to the Rejection of Claims 1 to 5 and 7 to 12 under the judicially created doctrine of double patenting of the obviousness-type over U.S. Patent No. 6,686,458.**

Applicants have canceled claims 1 to 39 and respectfully request withdrawal of the above rejection.

**Response to the Rejection of Claims 1 to 39 as allegedly anticipated by U.S. Patent No. 6,008,378.**

Appl. No. 10/772,164  
Amdt. dated November 3, 2005  
Reply to Office Action of May 3, 2005

PATENT

Applicants have canceled claims 1 to 39 and respectfully request withdrawal of the above rejection.

Applicants further note that the instant application claims priority benefit of the application which matured as the '378 patent.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Frank J. Mycroft  
Reg. No. 46,946

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
FJM:fjm  
60624605 v1